THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.12882 of 2001, 25367 of 2003 & 6685 of 2004

COMMON ORDER:

W.P.No.6685 of 2004

It appears, petitioner obtained overdraft facility from the second respondent-Aryan Cooperative Urban Bank. When the overdraft amounts were not properly repaid, the Bank raised a dispute under Section 61 of the A.P. Cooperative Societies Act, 1964 (for short 'the Act') before the third respondent-Arbitrator. The Arbitrator has decided the matter in favour of Bank by order dated 16.1.1997 fixing the liability on the petitioner for an amount of Rs.14,58,846/-. Aggrieved by the same, petitioner carried the matter in appeal before the Cooperative Tribunal in C.T.A.No.84 of 1998. The Cooperative Tribunal, after considering the entire evidence placed before it, except scaling down the interest from 24% to 6% per annum for the period prior the filing of petition, however, confirmed the award passed by the Arbitrator. Aggrieved by the same, the present writ petition is filed.

The only complaint of the petitioner is that neither the Arbitrator nor the appellate authority has verified the records of the Bank for fixing the liability on the petitioner. This fact is not seriously disputed by the learned counsel for respondents.

Having regard to the facts and circumstances of the case, I am of the opinion that the award passed by the third respondent-Arbitrator dated 16.1.1997 as confirmed by the appellate authority-Cooperative Tribunal in C.T.A.No.84 of 1998 dated 20.6.2001 are liable to be set aside and accordingly set aside. The matter is remitted back to the third respondent-Arbitrator for reconsideration, subject to the condition of petitioner paying a sum of Rs.5,00,000/- (Rupees five lakhs only) to the second respondent-Aryan Cooperative Urban Bank Ltd., within four weeks from today. However, if for any reasons, the amount as directed is not deposited, the order passed by the Arbitrator as confirmed by the appellate authority shall

stand revived.

The writ petition is allowed to the extent indicated above. No order as to costs.

W.P.Nos.12881 of 2001 & 25367 of 2003

In view of the orders passed in W.P.No.6685 of 2004 and the reasons furnished therein, these writ petitions are liable to be dismissed and they are accordingly dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 25.9.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

25.9.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.Nos.12882 of 2001, 25367 of 2003 & 6685 of 2004

Date: 25th September, 2006

W.P.No.12882 of 2001

Between:

The Aryan Coop. Urban Bank Ltd.,
rep. by its Chief Executive Officer. .. Petitioner

And

The Andhra Pradesh Cooperative Tribunal,
M.J. Road, Hyderabad, rep. by Chairman & others. .. Respondents

W.P.No.25369 of 2003

Between:

Ramchandra Thala .. Petitioner

And

Commissioner for Cooperation and
Registrar of Cooperative Societies,
A.P. Nampally, Hyderabad & others. .. Respondents

W.P.No.6685 of 2004

Ramachandra Thalla .. Petitioner

And

The Registrar, Cooperative Tribunal,
Hyderabad & others. .. Respondents.